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U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:08-CR-68

v.

Hon. Janet T. Neff

RAMI IKBAL SABA and
RAOGO OUEDRAOGO,

Defendants.

SECOND
SUPERSEDING
INDICTMENT

The Grand Jury charges:

INTRODUCTION

1. On or about September 11, 2007, Donald L. Dietz, a retired Amway Corporation/Alticor employee, who lived alone in Saranac, Michigan, disappeared inexplicably. Attempts by family members to locate or contact him have been unsuccessful; moreover, an extensive investigation by the Michigan State Police to locate Mr. Dietz has also been unsuccessful.

2. At the time of his disappearance, Mr. Dietz held active accounts at the following financial institutions: (a) Lake Michigan Credit Union, Grand Rapids, Michigan, with a balance as of September 11, 2007, of \$443,606.40; and (b) Capital One Bank, Glen Allen, Virginia, two accounts which had a combined balance as of September 11, 2007, of \$11,472.41.

3. Approximately one week before his disappearance, Mr. Dietz reported to his barber that he was fearful for his life due to contact with an individual who was attempting to have him advance a sum of money to this individual. Mr. Dietz also told his barber that he was

having second thoughts regarding an investment scheme this individual had proposed, and that this individual was pressuring him to proceed with the investment.

4. Defendant Rami Ikbal Saba is a Lebanese national who holds a Permanent Resident Alien status due to his marriage to a United States citizen. During times relevant to the charges in this Indictment, he lived in Lowell, Michigan.

5. Defendant Saba, while employed by Banker's Life and Casualty, made contact with Donald L. Dietz, a prospective client. Defendant Saba obtained specific information regarding Mr. Dietz' assets, as well as his personal information.

6. Thereafter, Defendant Saba became employed by New York Life Insurance Company as a "Financial Services Professional." He continued to maintain contact with Donald L. Dietz, visiting him at Mr. Dietz' home in Saranac, Michigan, on at least two occasions in an effort to convince Mr. Dietz to invest his money with New York Life.

7. During 2007, Defendant Saba's financial situation deteriorated significantly. While failing to meet performance quotas with New York Life, his debt increased substantially. At the time of Donald L. Dietz' disappearance, Defendant Saba's credit card debt had risen to a level he could not repay at his income level, and he had fallen behind in his mortgage payments.

8. Defendant Raogo Ouedraogo is a citizen of the African country Burkina Faso. During times relevant to the charges in this Indictment, he lived in Philadelphia, Pennsylvania. Like Defendant Saba, Defendant Ouedraogo was experiencing significant stress during 2007 as a result of his poor financial situation.

9. Defendants Saba and Ouedraogo were long-standing friends, having attended school together in Belgium in the mid to late 1990's before coming to the United States. During

2007, Defendant Ouedraogo made at least three trips to Grand Rapids, Michigan, including a 48-hour trip at the time Donald L. Dietz disappeared. Defendant Ouedraogo cannot account for his whereabouts from 11:23 p.m. on September 11, 2007, when he arrived at the Grand Rapids, Michigan, airport, until approximately 1:45 p.m. the next day, when he checked into the Days Inn on 28th Street in Grand Rapids. Defendant Ouedraogo has given law enforcement officers several conflicting accounts of where he stayed during that time frame, none of which can be confirmed. Defendants Saba and Ouedraogo have each admitted to having lied to their respective spouses regarding their whereabouts and activities during the period September 11, 2007, through September 13, 2007.

10. On September 17, 2007, seven days after the last known contact with Donald L. Dietz, Defendant Saba deposited into his account at Michigan State University Credit Union a check, dated September 17, 2007, in the amount of \$2,700.00, payable to Donald L. Dietz and endorsed "Donald L. Dietz." On October 1, 2007, Defendant Saba again deposited into his own account a check in the amount of \$9,300.00 purportedly payable to, and endorsed by, Donald L. Dietz.

11. On September 18, 2007, Defendant Saba purchased and used a Tracfone in his efforts to fraudulently obtain Donald L. Dietz' funds then on deposit with the Lake Michigan Credit Union and Capital One Bank. Defendant Saba used the Tracfone, rather than his own cellular telephone, in an effort to conceal his true identity.

12. Defendant Saba used the Tracfone on September 26, 2007, to open a credit card account with Bank of America using Mr. Dietz' identity and personal information. He again

used the Tracfone on September 26, 2007, to open an account at Washington Mutual Bank under the identity of Mr. Dietz.

13. Throughout the conspiracy, Defendant Saba maintained contact with Defendant Ouedraogo by cellular telephone. At times during the conspiracy, Defendant Saba used two telephone numbers to contact Defendant Ouedraogo: one number was (616) 719-9666, which was issued to Defendant Saba by AT&T, but the "Sim" card for which Defendant Saba had given to Defendant Ouedraogo; the other was (347) 247-1142, which was a number issued to Defendant Ouedraogo. A "Sim" card contains the telephonic information and program that allows a cellular telephone to make and receive telephone calls; the "Sim" card establishes the telephone number by which a given cellular telephone is contacted and identified. Telephone records demonstrate that Defendant Saba consulted with Defendant Ouedraogo proximately before and after most of his contacts with the various financial institutions during the scheme to defraud those institutions.

14. On September 19, 2007, Defendant Saba sent, or caused to be sent, a typed letter to the Lake Michigan Credit Union bearing a forgery of Donald L. Dietz' signature. The letter directed the credit union to close Mr. Dietz' account and to transfer the entire balance to the Blom Bank in Lebanon, specifying an account number for an account held by Defendant Saba's father. The letter accurately noted the exact balance of the account, \$443,606.40, which had included interest that had accrued on September 11, 2007. The letter included personal information of Donald L. Dietz, including his credit union account number, his social security number, his address, his date of birth, his Michigan driver's license number, his telephone

number, and his mother's maiden name; information that was later found on Defendant Saba's home computer.

15. Lake Michigan Credit Union attempted, unsuccessfully, to contact Donald L. Dietz to verify the request in the September 19, 2007, letter. When unable to contact Donald L. Dietz, the Lake Michigan Credit Union contacted his listed beneficiary, his brother Gene Dietz. As a result of this contact, the Dietz family began their unsuccessful search for Donald L. Dietz.

16. Each of the allegations in the above-listed paragraphs are hereby incorporated by reference into each of the following counts of this Indictment, as though fully set forth therein.

COUNT 1

(Conspiracy to Commit Financial Institution Fraud)

From in or about March 2007, through in or about December 2007, in the Southern Division of the Western District of Michigan, and elsewhere,

**RAMI IKBAL SABA
and
RAOGO OUEDRAOGO**

did conspire, confederate and agree with each other, and with other persons unknown to the grand jury, to knowingly execute, and attempt to execute, a scheme and artifice to obtain, by means of false and fraudulent pretenses and representations, money and funds owned by, or under the custody and control of the following financial institutions: Bank of America, as successor in interest to the Michigan National Bank; the Lake Michigan Credit Union; Capital One Bank; Washington Mutual Bank; and the Michigan State University Credit Union.

Object of the Conspiracy

The principal object of the conspiracy was to kidnap and incapacitate their victim, Donald L. Dietz, assume his identity, and to illegally obtain money and funds from various financial institutions using the identity of Donald L. Dietz. Among the money and funds the co-conspirators attempted to illegally obtain were those belonging to Donald L. Dietz, \$443,606.40 of which was then on deposit with the Lake Michigan Credit Union in Grand Rapids, Michigan, and \$11,472.41 of which was then on deposit with the Capital One Bank in Glen Allen, Virginia.

Overt Acts

In order to effect the object of the conspiracy, at least one of the co-conspirators performed at least one of the following overt acts within the Western District of Michigan:

1. On July 16, 2007, Defendant Rami Ikbal Saba ordered, through the Internet, two cans of pepper spray from Self Defense Technologies in Fort Worth, Texas. Approximately one hour prior to placing this order, Defendant Saba contacted Defendant Ouedraogo by telephone.

2. On July 22, 2007, Defendant Ouedraogo traveled from Philadelphia, Pennsylvania, to Grand Rapids, Michigan. Defendant Ouedraogo stayed with Defendant Saba at his Lowell, Michigan, home until August 1, 2007.

3. On August 12, 2007, despite serious financial difficulties and mounting debt, Defendant Saba purchased an airline ticket for Defendant Ouedraogo to travel to Grand Rapids, Michigan, on August 15, 2007. Defendant Ouedraogo arrived in Grand Rapids, Michigan, on August 15, 2007, and remained in the area until August 18, 2007, when he returned to Philadelphia, Pennsylvania.

4. On August 17, 2007, Defendants Saba and Ouedraogo ordered, through the Internet using Defendant Saba's Yahoo account, a "stun gun" from Stun Gun Supply in Lebanon, Pennsylvania. The "stun gun" was sent to an intermediary in Ohio, due to the fact that it is illegal to ship such items to Michigan, who forwarded it to Defendant Saba's address on or about August 24, 2007.

5. On September 9, 2007, at least five telephone calls were placed between Defendant Saba and Defendant Ouedraogo.

6. On September 10, 2007, Defendant Ouedraogo purchased an airline ticket to fly to Grand Rapids, Michigan, with a departure date of September 11, 2007. At least six telephone calls were placed between the defendants on September 10, 2007.

7. Defendant Ouedraogo arrived at the Grand Rapids, Michigan, airport on September 11, 2007, at 11:23 p.m. At least six telephone calls were placed between the defendants on this date.

8. On September 12, 2007, Defendant Saba placed two telephone calls to the Blom Bank, headquartered in Beirut, Lebanon, at approximately 7:20 a.m. At 9:02 a.m., Defendant Saba called Defendant Ouedraogo. At 9:19 a.m., Defendant Saba was stopped by a Kent County Sheriff's Deputy while driving his 2003 Honda Civic on 28th Street and Kraft. The Deputy Sheriff conducted the traffic stop due to the fact that Defendant Saba's license plate was missing from his vehicle. Defendant Saba lied to the Deputy Sheriff, telling him the license plate was missing because he had just purchased the vehicle (he later claimed the license plate came loose as a result of backing his car into something in his garage). At 9:40 a.m. that day, immediately after the traffic stop was concluded, Defendant Saba again called Defendant Ouedraogo.

9. Defendant Ouedraogo's return flight to Philadelphia, Pennsylvania, departed on September 13, 2007, at approximately 5:00 p.m.

10. Defendant Saba provided Defendant Ouedraogo with a "Sim" card related to telephone number (616) 719-9666, which was issued to Defendant Saba by AT&T, despite the fact that Defendant Ouedraogo had his own operable cellular telephone. The use of this "Sim" card was intended to facilitate their attempts to defraud financial institutions while impersonating Donald L. Dietz. Defendant Ouedraogo first used this means of communication on

September 15, 2007, following his return to Philadelphia, when he received a six-minute telephone call from Defendant Saba.

11. On September 17, 2007, Defendant Saba deposited into his account at Michigan State University Credit Union a check, number 102, in the amount of \$2,700.00, dated September 17, 2007, payable to Donald L. Dietz and endorsed "Donald L. Dietz." Defendant Saba made the deposit knowing that Donald L. Dietz neither signed nor authorized the issuance of this check. This check was drawn against Donald L. Dietz' old account at Michigan National Bank, the same bank that had been acquired by Bank of America, which account was no longer active. At least four telephone calls were placed between Defendants Saba and Ouedraogo on that date.

12. On September 18, 2007, Defendant Saba purchased a Tracfone from Staples on 28th Street in Grand Rapids, Michigan. The very first telephone call he made thereafter was to Defendant Ouedraogo, which call lasted approximately eighteen minutes. At least ten telephone calls were placed between Defendants Saba and Ouedraogo on that date.

13. On September 19, 2007, at 12:07 p.m., Defendant Saba contacted Defendant Ouedraogo via the "Sim" card ((616) 719-9666) that he had provided him. Thirteen minutes later, Defendant Saba placed a five-minute telephone call to the Lake Michigan Credit Union, using the Tracfone. Two minutes after completing that call, Defendant Saba again contacted Defendant Ouedraogo via the "Sim" card ((616) 719-9666). No less than four additional telephone calls were placed between the defendants on that date.

14. On September 19, 2007, Defendant Saba sent, or caused to be sent, a letter through the United States mail to the Lake Michigan Credit Union bearing a forgery of Donald L.

Dietz' signature, in which it was requested that Donald L. Dietz' entire account be closed and the funds, \$443,606.40, be sent to the Blom Bank, a foreign financial institution headquartered in Beirut, Lebanon. The letter accurately noted the exact balance of the account as of that date, which included interest that had accrued on September 11, 2007 (evidence of the letter was later found on Defendant Saba's computer). Defendant Saba did not have lawful authority, and knew that he did not have lawful authority, to act on behalf of Donald L. Dietz.

15. On September 21, 2007, Defendant Saba placed a cellular telephone call, using the Tracfone, to Capital One Bank in which he claimed to be Donald L. Dietz and requested that Donald L. Dietz' two Capital One Bank accounts be closed. Capital One Bank thereafter sent two checks totaling \$11,472.41 to Donald L. Dietz' last-known address. Defendant Saba did not have lawful authority, and knew that he did not have lawful authority, to act on behalf of Donald L. Dietz. Two minutes after completing the telephone call to Capital One Bank, Defendant Saba contacted Defendant Ouedraogo via the "Sim" card ((616) 719-9666). At least six telephone calls were placed between the defendants on that date.

16. On September 22, 2007, Defendant Saba placed five cellular telephone calls to the Lake Michigan Credit Union, using the Tracfone. During one of these telephone calls, and while pretending to be Donald L. Dietz, he told a credit union employee that he was closing his account because he was "moving out of the country." No less than six telephone calls were placed between Defendants Saba and Ouedraogo on that date, including telephone calls that took place both before and after Defendant Saba's telephone calls to the Lake Michigan Credit Union.

17. On September 24, 2007, Defendant Saba placed four cellular telephone calls to the Lake Michigan Credit Union, using the Tracfone. During one of these telephone calls, and

while pretending to be Donald L. Dietz, he told a credit union employee that he was in Massachusetts, and that he needed some of the funds in Mr. Dietz' account wired immediately because, otherwise, he was going to lose a "land deal." The credit union employee advised that she did not believe him to be Donald L. Dietz, and that, if he wanted the money, he would need to provide the credit union with a notarized letter. A copy of a forged "notarized" letter was later found on Defendant Saba's home computer. No less than five telephone calls were placed between Defendants Saba and Ouedraogo on that date, including telephone calls that took place both before and after the last three of Defendant Saba's telephone calls to the Lake Michigan Credit Union.

18. On September 25, 2007, Defendant Saba placed a cellular telephone call to Capital One Bank, using the Tracfone. During this telephone call, and while pretending to be Donald L. Dietz, he requested that the \$11,472.41 from Mr. Dietz' account be sent to an address different than Donald L. Dietz' last-known address. Defendant Saba did not have lawful authority, and knew that he did not have lawful authority, to act on behalf of Donald L. Dietz. Capital One Bank advised Defendant Saba that it could not comply with that request, as the account had already been closed and the checks sent pursuant to the September 21, 2007, request. No less than five telephone calls were placed between Defendants Saba and Ouedraogo on that date, including telephone calls that took place both before and after Defendant Saba's telephone call to Capital One Bank.

19. On September 26, 2007, Defendant Saba placed a cellular telephone call to Bank of America, using the Tracfone. During this telephone call, and while pretending to be Donald L. Dietz, he opened a credit card account in the name of Donald L. Dietz with a credit limit of

\$9,800.00. Defendant Saba did not have lawful authority, and knew that he did not have lawful authority, to act on behalf of Donald L. Dietz.

20. Also on September 26, 2007, Defendant Saba placed a cellular telephone call to Washington Mutual Bank, using the Tracfone. During this telephone call, and while pretending to be Donald L. Dietz, he opened a checking account in the name of Donald L. Dietz. Defendant Saba did not have lawful authority, and knew that he did not have lawful authority, to act on behalf of Donald L. Dietz. On this date, no less than thirteen telephone calls were placed between Defendants Saba and Ouedraogo, including telephone calls that took place both before and after Defendant Saba's telephone call to Washington Mutual.

21. On September 27, 2007, Defendant Saba, or someone acting on his behalf, obtained a money order from the Ada, Michigan, post office in the amount of \$10.00. Defendant Saba, or someone acting on his behalf, placed the money order in the United States mail to the Washington Mutual Bank, which money order was later deposited into the account under the name Donald L. Dietz.

22. On September 30, 2007, Defendant Saba placed a cellular telephone call to Gene Dietz, brother of Donald L. Dietz, using the Tracfone. During this sixteen-minute telephone call, he pretended to be Donald L. Dietz, and he requested Gene Dietz' assistance in obtaining the "release" of Donald L. Dietz' account at Lake Michigan Credit Union. Gene Dietz noted the caller's foreign accent, and he confronted the caller with the fact that he did not sound like Donald L. Dietz. When Gene Dietz asked the caller to provide the middle name of Mr. Dietz' mother, the caller abruptly hung up (this was the last time the Tracfone was used). Approximately twenty minutes after terminating the telephone call with Gene Dietz, Defendant

Saba placed a twelve-minute telephone call to Defendant Ouedraogo. Defendant Ouedraogo placed at least two additional telephone calls to Defendant Saba later that same date.

23. On October 1, 2007, Defendant Saba deposited into his own account at Michigan State University Credit Union a check, number 103, dated September 16, 2007, in the amount of \$9,300.00, payable to Donald L. Dietz and endorsed "Donald L. Dietz," drawn against the old Michigan National Bank account of Donald L. Dietz and which was erroneously paid from the Bank of America credit card account Defendant Saba established on September 26, 2007, as described in Paragraph 19, above. Defendant Saba did not have lawful authority, and knew that he did not have lawful authority, to act on behalf of Donald L. Dietz.

24. On October 2, 2007, the Michigan State University Credit Union contacted Defendant Saba by telephone and advised him that the two Donald L. Dietz checks in the amounts of \$2,700.00 and \$9,300.00, respectively, were not going to be honored, as they were drawn on a closed account. Within minutes of receiving this news, Defendant Saba placed two telephone calls to Defendant Ouedraogo. Defendant Ouedraogo returned his telephone calls approximately 45 minutes later.

25. Each of the allegations in the above-listed overt acts are hereby incorporated by reference into each of the following counts of this Indictment, as though fully set forth therein.

18 U.S.C. § 1349

18 U.S.C. § 1344(2)

18 U.S.C. § 20

COUNT 2

From on or about September 17, 2007, through on or about October 1, 2007, in the Southern Division of the Western District of Michigan, and elsewhere,

**RAMI IKBAL SABA
and
RAOGO OUEDRAOGO**

knowingly executed, attempted to execute, and aided and abetted each other in the execution of, a scheme and artifice to obtain, by means of false and fraudulent pretenses and representations, money and funds owned by, or under the custody and control of, the Bank of America, as successor in interest to the Michigan National Bank, a financial institution.

18 U.S.C. § 1344(2)

18 U.S.C. § 20

18 U.S.C. § 2

COUNT 3

From on or about September 17, 2007, through on or about October 1, 2007, in the Southern Division of the Western District of Michigan, and elsewhere,

**RAMI IKBAL SABA
and
RAOGO OUEDRAOGO**

knowingly used without lawful authority, and aided and abetted each other in the use without lawful authority of, a means of identification of Donald L. Dietz, to wit: his name, his social security number, his date of birth, and his Michigan driver's license number, during and in relation to financial institution fraud and attempted financial institution fraud, a felony, as charged in Count Two.

**18 U.S.C. § 1028A(a)(1)
18 U.S.C. § 1028A(b)
18 U.S.C. § 1028A(c)(5)
18 U.S.C. § 1028(d)(7)(A)
18 U.S.C. § 1344
18 U.S.C. § 2**

COUNT 4

From on or about September 19, 2007, through on or about October 3, 2007, in the Southern Division of the Western District of Michigan, and elsewhere,

**RAMI IKBAL SABA
and
RAOGO OUEDRAOGO**

knowingly executed, attempted to execute, and aided and abetted each other in the execution of, a scheme and artifice to obtain, by means of false and fraudulent pretenses and representations, money and funds owned by, or under the custody and control of, the Lake Michigan Credit Union, a financial institution.

18 U.S.C. § 1344(2)

18 U.S.C. § 20

18 U.S.C. § 2

COUNT 5

From on or about September 19, 2007, through on or about October 3, 2007, in the Southern Division of the Western District of Michigan, and elsewhere,

**RAMI IKBAL SABA
and
RAOGO OUEDRAOGO**

knowingly used without lawful authority, and aided and abetted each other in the use without lawful authority of, a means of identification of Donald L. Dietz, to wit: his name, his social security number, his date of birth, and his Michigan driver's license number, during and in relation to financial institution fraud and attempted financial institution fraud, a felony, as charged in Count Four.

**18 U.S.C. § 1028A(a)(1)
18 U.S.C. § 1028A(b)
18 U.S.C. § 1028A(c)(5)
18 U.S.C. § 1028(d)(7)(A)
18 U.S.C. § 1344
18 U.S.C. § 2**

COUNT 6

From on or about September 21, 2007, through on or about September 25, 2007, in the Southern Division of the Western District of Michigan, and elsewhere,

**RAMI IKBAL SABA
and
RAOGO OUEDRAOGO**

knowingly executed, attempted to execute, and aided and abetted each other in the execution of, a scheme and artifice to obtain, by means of false and fraudulent pretenses and representations, money and funds owned by, or under the custody and control of, Capital One Bank, a financial institution.

18 U.S.C. § 1344(2)

18 U.S.C. § 20

18 U.S.C. § 2

COUNT 7

From on or about September 21, 2007, through on or about September 25, 2007, in the Southern Division of the Western District of Michigan, and elsewhere,

**RAMI IKBAL SABA
and
RAOGO OUEDRAOGO**

knowingly used without lawful authority, and aided and abetted each other in the use without lawful authority of, a means of identification of Donald L. Dietz, to wit: his name, his social security number, his date of birth, and his Michigan driver's license number, during and in relation to financial institution fraud and attempted financial institution fraud, a felony, as charged in Count Six.

**18 U.S.C. § 1028A(a)(1)
18 U.S.C. § 1028A(b)
18 U.S.C. § 1028A(c)(5)
18 U.S.C. § 1028(d)(7)(A)
18 U.S.C. § 1344
18 U.S.C. § 2**

COUNT 8

From on or about September 26, 2007, through on or about October 4, 2007, in the Southern Division of the Western District of Michigan, and elsewhere,

**RAMI IKBAL SABA
and
RAOGO OUEDRAOGO**

knowingly executed, attempted to execute, and aided and abetted each other in the execution of, a scheme and artifice to obtain, by means of false and fraudulent pretenses and representations, money and funds owned by, or under the custody and control of, the Washington Mutual Bank, a financial institution.

18 U.S.C. § 1344(1)

18 U.S.C. § 20

18 U.S.C. § 2

COUNT 9

From on or about September 26, 2007, through on or about October 4, 2007, in the Southern Division of the Western District of Michigan, and elsewhere,

**RAMI IKBAL SABA
and
RAOGO OUEDRAOGO**

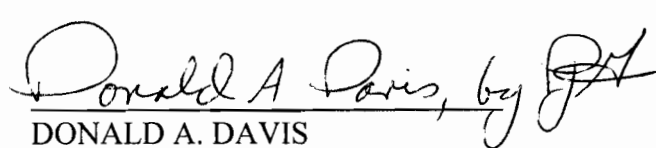
knowingly used without lawful authority, and aided and abetted each other in the use without lawful authority of, a means of identification of Donald L. Dietz, to wit: his name, his social security number, his date of birth, and his Michigan driver's license number, during and in relation to financial institution fraud and attempted financial institution fraud, a felony, as charged in Count Eight.

**18 U.S.C. § 1028A(a)(1)
18 U.S.C. § 1028A(b)
18 U.S.C. § 1028A(c)(5)
18 U.S.C. § 1028(d)(7)(A)
18 U.S.C. § 1344
18 U.S.C. § 2**

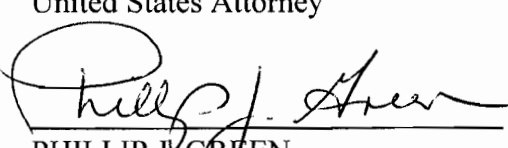
A TRUE BILL



GRAND JURY FOREPERSON



DONALD A. DAVIS
United States Attorney



PHILLIP J. GREEN
Assistant United States Attorney